

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GUEST TEK INTERACTIVE
ENTERTAINMENT LTD.,

Plaintiff,

v.

EXCEPTIONAL INNOVATION, INC.,

Defendant.

Case No. 2:17-cv-00963

Judge Algenon L. Marbley

Magistrate Judge Chelsey M. Vascura

**ORDER MODIFYING CASE SCHEDULE AND GRANTING PLAINTIFF LEAVE TO
CORRECT AND AMEND INFRINGEMENT CONTENTIONS**

Having considered the parties' Joint Motion to Modify Case Schedule and Grant Plaintiff Leave to Correct and Amend Infringement Contentions, the Court **GRANTS** the motion for good cause shown. By February 25, 2019, Plaintiff may serve a new set of infringement contentions in which Plaintiff corrects and amends its Local Patent Rule 103.2(a)(3) charts to address the inadvertent errors identified in the parties' motion and to address the categories of issues Defendant has raised concerning the adequacy of Plaintiff's claim charts. This order does not authorize an amendment that would add patents, claims, accused products, or theories. Defendant's discovery obligations are hereby stayed through seven days after receiving Plaintiff's updated infringement contentions. This order is without prejudice to either party's ability to argue for or against further amendments to the infringement contentions. The Court adopts the parties' proposed modifications to the case schedule. The modified case schedule is

attached to this order as Exhibit 1, with the new dates governing this case appearing in the “Modified Date” column.

IT IS SO ORDERED.

/s/ Chelsey M. Vascura

CHELSEY M. VASCURA

UNITED STATES MAGISTRATE JUDGE

Exhibit 1

LPR (as applicable)	Event	5/22/18 Order	Modified Date
103.2(a)(3), 103.7	Patent Holder to Serve Updated Infringement Contentions (including permitted amendments)	N/A	2/25/2019
103.3	Disclosure of Non-infringement Discovery	6/25/2018	3/27/2019
103.4	Amended Invalidity Contentions	N/A	5/6/2019
103.5	Document Production Accompanying Invalidity Contentions	7/10/2018	5/6/2019
105.1	Exchange of Proposed Claim Terms and Phrases for Construction (if any prompted by the updated contentions)	N/A	5/20/2019
104.1	Required Settlement Conference	8/9/2018	6/5/2019
105.2(a)	Party Asserting Need for Construction Serves Proposed Constructions (if any prompted by the updated contentions)	N/A	6/10/2019
105.2(b)	Serve Proposed Responsive Preliminary Claim Constructions (if any prompted by the updated contentions)	N/A	7/1/2019
105.2(c)	Meet and Confer to Limit concerning Claim Constructions	9/24/2018	7/22/2019
105.2(d)	Parties Submit Updated Joint Claim Construction and Prehearing Statement	N/A	8/12/2019
105.3	Deadline to Complete All Discovery relating to Claim Construction	12/11/2018	10/11/2019
105.4(a)	Each Party Files Opening Claim Construction Brief	1/14/2019	10/28/2019
105.4 (b)	Each Party May File Response to Opening Claim Construction Brief	2/13/2019	11/27/2019
	Technical Tutorial and Claim Construction Hearing	TBD by the Court	TBD by the Court

LPR (as applicable)	Event	5/22/18 Order	Modified Date
	Fact Discovery Closes	6/14/2019*	4/3/2020
106.1(a)	Each Party Serves Initial Expert Disclosures under FRCP 26 on Issues with Burden of Proof	7/1/2019*	4/15/2020*
106.1(b)	Each Party Serves Initial Expert Disclosures under FRCP 26 on Issues without Burden of Proof	7/31/2019*	5/15/2020*
106.1(c)	Each Party Serves Rebuttal Expert Disclosures Permitted by FRCP 26	8/14/2019*	5/29/2020*
106.2	Deadline to Commence Depositions of Experts	8/28/2019*	6/15/2020*
106.2	Deadline to Complete Expert Depositions	10/28/2019*	8/17/2020*
	Dispositive Motion Cutoff	12/19/2019	10/16/2020
	Plaintiff's Settlement Demand	1/17/2020	11/20/2020
	Defendant's Response to Settlement Demand	1/31/2020	12/4/2020
	Final Settlement Conference	3/2/2020	2/26/2021
	Pretrial Conference (in chambers)	5/5/2020*	4/23/2021
	Estimated Trial Date	6/8/2020*	5/17/2021

* These dates cannot be calculated with accuracy because they are dependent on when the Court rules on the Claim Construction Briefs. Under regular circumstances, the "Initial Expert Disclosures under FRCP 26 on Issues with Burden of Proof" should be made no later than 30 days after the Court's ruling on claim construction.